

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARMELO RODRIGUEZ ZAYA,

Petitioner,

No. CIV S-01-0398 FCD GGH P

vs.

IMMIGRATION AND NATURALIZATION  
SERVICE, et al.,

Respondents.

ORDER

Petitioner is proceeding through counsel with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner challenges his indefinite detention in the custody of the Immigration and Naturalization Service (INS). On March 27, 2002, the court dismissed the petition. On April 8, 2005, the Ninth Circuit Court of Appeals reversed and remanded this matter. In its order, the Ninth Circuit cited Clark v. Martinez, 125 S.Ct. 716 (2005) (holding that Zadvydas v. Davis, 533 U.S. 678 (2001) bars the indefinite detention of inadmissible aliens under 8 U.S.C. § 1231(a)(6)).

On April 13, 2005, the court ordered petitioner to inform the court of the status of his detention. On May 16, 2005, petitioner filed a response to the April 13, 2005, order.

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1 Petitioner states that he was released from Bureau of Prisons custody on his own recognizance on  
2 September 3, 2004.

3 Because petitioner is no longer detained, he has already received the relief sought  
4 in this action.

5 Accordingly, IT IS HEREBY ORDERED that within ten days of the date of this  
6 order, petitioner shall show cause why this action should not be dismissed; petitioner may file a  
7 request for voluntary dismissal if appropriate.

8 DATED: 6/15/05

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10 /s/ Gregory G. Hollows

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12 GREGORY G. HOLLOWS  
13 UNITED STATES MAGISTRATE JUDGE

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